

REMARKS

Claims 1-47 are pending and at issue. Claim 35 has been confirmed as reciting allowable subject matter, but is objected to as dependent upon a rejected base claim. The remaining claims, 1-34 and 36-47, stand rejected under various prior art rejections. The applicants respectfully traverse these rejections and request reconsideration.

Claim 1 recites a bumper having "an engagement member attachable to the loading dock and being adapted to engage the rear surface of the vehicle." The bumper also includes "a guide member adjacent the engagement member and being adapted to help guide the vehicle toward the engagement member." Neither Hahn (USPN 6,070,283) nor any of the other art of record teaches or suggests the recited combination.

The office action points to the "dock bumper 20" of Hahn as teaching the recited engaging member (back end) and guide member (forward end), but this characterization is in error. The dock bumper is shown in plan view in Figure 5, which provides greater detail on the components of 20. The office action looks to "Fig. 3: at component 20 arrow," but as is readily apparent in Figure 5, this is the base plate 70. It is not meant to engage a vehicle. The office action also points to "Fig. 3: ahead of component arrow 20," but as shown in Figure 5, this is the "contact member 80." It is not a guiding structure. Thus while, the office action points to Figure 3, the more detailed illustrations of Figures 5 and 6 show that Hahn does not teach the recited engaging member and guide member.

The base plate 70 is not an engaging member. As Figure 5 notably reveals, both the member 80 and the lip 40, as shown, would prevent a vehicle from engaging the base plate 70. Furthermore, the member 80 is not a guide member, as there is no suggestion that it is "adapted to help guide the vehicle toward the engagement member." In fact, contact member 80 is described as a "formed steel box." (Col. 5, l. 26). This steel box does not guide a vehicle to engagement with base plate 70.

In sum, Hahn does not teach a bumper that includes both "an engagement member attached to the loading dock and being adapted to engage the rear surface of the vehicle" and "a guide member adjacent the engagement member and being adapted to help guide the vehicle toward the engagement member," as recited in claim 1. The rejection of

claim 1 as anticipated is traversed. Furthermore, the rejections of dependent claims 2-5 and 19 are also traversed, for similar reasons.

Claim 20 recites a bumper that includes "an engagement member adapted to be mounted to the dock face and having a generally L-shape." The engagement member has a first leg of the L-shape that is "adapted to engage the rear surface of the vehicle when the vehicle is at a certain proper position relative to the bumper." The engagement member also has a "second leg of the L-shape" that is "adapted to engage the rear surface of the vehicle when the vehicle is at a certain improper position relative to the bumper." The prior art does not teach the recited subject matter.

As explained above, the base plate 70 is not part of an engagement member. The base plate is not "adapted to engage the rear surface of the vehicle when the vehicle is at a certain proper position relative to the bumper," for example. In fact, Figure 5 suggests that base plate is prevented from engagement with any portion of the vehicle. For this reason alone, the rejection of claim 22 is traversed.

The applicants also note that claim 21 has been rejected, with the suggestion that the member 80 is the second leg because it extends further from the dock face than the base plate 70. This, however, misapplies the recited subject matter and does so in a way that suggests that the office action is misreading the base claim 20.

For the office action to argue that member 80, which as stated in Hahn is biased outwardly from the base plate 70 (see, Col. 5, ll. 29-33), is the second leg of the recited L-shape member, then that member's engagement would have to occur at an "improper position relative to the bumper," as recited in claim 20. This, however, is clearly not the case, as Hahn illustrates that its bumper 80 is positioned to engage the vehicle during expected operation, e.g., at a proper position relative to the bumper and not at an improper position. In short, if the office action is attempting to equate member 80 and base plate 70 with the recited second and first legs, respectively, then the office action is misreading claim 20. In any event, the anticipation rejections of claim 20 and claims 21 and 22 depending therefrom are respectively traversed.

Claim 34 recites a bumper system comprising "an engagement member attachable to the dock and being adapted to engage the rear surface of a vehicle when a

vehicle is at a predetermined proper position relative to the bumper system." The system further includes a "guide member adjacent the engagement member and being adapted to engage the rear surface of a vehicle when a vehicle is at a predetermined improper position relative to the bumper system, wherein the guide member is adapted to protrude further away from the dock face than what the engagement member is adapted to protrude."

For similar reasons to those stated above in traversal of the rejection of claim 20, it should be clear that the rejection of claim 34 is improper and therefore traversed. The office action suggests that base plate is the engagement member, yet the base plate is not adapted to engage a rear surface of the vehicle. And further, even assuming *arguendo* that the Hahn structure were modified to allow the base plate to engage a vehicle, that engagement would not happen at a "proper position relative to the bumper system." Similarly, the member 80 of Hahn cannot be the guide member recited in claim 34, because member 80 is not adapted "to engage the rear surface of a vehicle when the vehicle is at a predetermined improper position relative to the bumper system." The rejections of claims 34 and 36, depending therefrom, are traversed.

Claims 6-16 depend from claim 1 and stand separately rejected as obvious over the combination of Hahn and Metz (USPN 5,586,355). The applicants respectfully traverse these rejections.

Neither Hahn nor Metz teach the subject matter of base claim 1. The applicants discussed Hahn above. Metz is even less relevant, as it does not describe bumper features at all. As neither Hahn nor Metz alone teach the features recited in claim 1, the combination of the two cannot be held to teach the subject matter of claim 1. For this reason alone, the rejections of claims 6-16 are traversed.

Separately, the rejections of claims 6-16 are traversed as there is no teaching, suggestion or motivation to combine the teachings of Hahn and Metz as suggested by the office action.

And not only does the office action fail to formulate the required *prima facie* case of obviousness, none could be formulated. The office action points to the abstract of Metz. Yet, the applicants respectfully note that the abstract of Metz states that its sensor is mounted to the under surface of the deck for delivering an output that ceases downward

movement of said deck when a foreign object such as a human is sensed "under said deck." Metz clearly does not teach a structure that may be used as a sensor responsive to the position of a vehicle relative to the bumper. The Metz sensor is in a different location and directed to a different triggering event. Thus, the rejections of claims 6-16 are also improper for lack of *prima facie* obviousness. Reconsideration is respectfully requested.

Claims 23-33 are somewhat similar to dependent claims 6-16 in that they also recite sensor related subject matter. Thus for similar reasons as to those provided above, the rejection based on Hahn in combination with Metz is improper. The rejections of claims 23-33 are traversed. Similarly, claims 37-46 recite sensor related subject matter. The rejections of these claims are traversed for the foregoing reasons, as well.

The remaining claims, claims 17 and 18 have been rejected as obvious over Hahn in combination with Hoffmann et al. (USPN 6,550,191). The applicants traverse the rejection.

None of the cited art teaches the subject matter of base claim 1, *a fortiori*, the subject of claims 17 and 18 is not obvious over the art. The applicants noted above that Hahn does not teach the combination of claim 1. Hahn for example does not teach "a guide member adjacent the engagement member and being adapted to help guide the vehicle toward the engagement member." Hoffmann does not teach the recited guide member either.

First, Hoffmann is not directed to dock bumpers. Hoffmann does describe a sealing apparatus for forming a weather seal around a vehicle, but Hoffmann does not describe bumpers; even the unlabeled lower members of Figures 1 and 3 do not serve as bumpers, as shown by the vehicle's position in Figure 5. Second, the office action suggests that the roller is a guide member, but it clearly is not the claimed guide member which is "adapted to help guide the vehicle toward the engagement member." The Hoffmann roller does not appear to guide a vehicle toward anything, but rather is displaceable onto the top of a vehicle, allowing the vehicle to have continued movement along the vehicles original and unaffected path. As neither Hahn nor Hoffmann teach the recited guide member, the combination of the two cannot teach the subject matter of base claim 1. For this reason alone, the rejections of claims 17 and 18 are traversed.

The rejections of claims 17 and 18 are also traversed as the office action establishes no *prima facie* obviousness. There is no suggestion or motivation in the art to combine the disparate teachings of these two references. In rejecting claim 1, the office action suggests that member 80 is a guide member, which it is not, yet in rejecting claims 17 and 18, the office action suggests that this member may be removed and replaced with a structure that extends across the entirety of a doorway opening (ala the Hoffmann roller). There clearly is no suggestion that one of ordinary skill in the art would attempt such a modification, especially since the horizontally-extending roller of Hoffmann would appear to impede, if not prevent, loading and unloading from the vehicle if positioned in place of member 80. In sum, the office action offers no *prima facie* case for the purported combination. And none could be made.

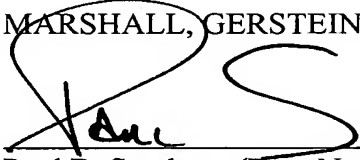
In conclusion, all of the pending claims 1-47 are in condition for allowance. The applicants respectfully request confirmation of the same.

Respectfully submitted,

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